

LEGALIZING FISTIC COMBAT, WRESTLING MATCHES,  
BOXING, SPARRING CONTESTS OR EXHIBI-  
TIONS FOR MONEY.

H. B. No. 832.] CHAPTER 241.

An Act making lawful fistic combat, wrestling matches, boxing, sparring contests or exhibitions for money or any other remuneration of any kind, except on Sunday, and authorizing the Labor Commissioner to have sole jurisdiction over such fistic combat, wrestling matches, boxing, sparring contests or exhibitions, and providing for the prescribing of such rules and regulations by the Labor Commissioner as are necessary for the administration of such contests or exhibitions, granting certain authority to the Labor Commissioner to reject permits to applicants under the provisions of this Act; and defining certain words and phrases; providing for an appeal from said ruling from said Commissioner to the District Court of Travis County and a hearing before said Court; providing that the Labor Commission shall deposit with the State Treasurer moneys received from licensing and depositing into a fund known as Boxing and Wrestling Enforcement Fund, and making an appropriation of said fund and providing for disbursement of that fund; providing for the appointment of a Secretary to the Commissioner and setting out the duties and prescribing a salary; defining "promoter" as used herein and providing certain regulations of promoters and providing certain penalties; providing for registration of promoters and registration fees and the filing of bond and the issuance of a permit by Commissioner of Labor and providing for certain penalties for operating without a permit; providing for the filing of reports by promoters with the Commissioner of Labor and the payment of tax of three per cent (3%) of the total gross receipts from the sale of tickets, and providing for penalty for failure to remit said tax, and providing for certain inquiries to be conducted by the Commissioner of Labor if such reports and payment of such tax is unsatisfactory, and providing certain penalties; providing before any person may perform or act as a boxer, wrestler, or manager of such, under certain conditions, shall register and give certain information with the Commissioner of Labor Statistics, and providing for the payment of certain registration fees and penalty for failure to remit said fees to the Commissioner; providing the registration fees herein provided shall be good for one (1) year from the date of the receipt; prescribing the kind of building in which such exhibition may be held; prohibiting certain conduct by the licensee and providing a penalty therefor; prohibiting a contest on Sunday; prohibiting the participation in any professional fistic combat of persons under eighteen (18) years of age; prohibiting the participation of any person under twenty-one (21) years of age in any championship match; prohibiting gambling in connection therewith, and fake exhibitions; prohibiting fistic combat matches, boxing, sparring or wrestling between any person of the White Race and one of the Negro Race; providing for the examination of contestants prior to such exhibitions and the fee to be paid for such examination; limiting duration of fistic combat match, boxing or sparring contest to ten (10) rounds duration, except in a championship match; providing each round shall last not more than three (3) minutes; providing for intermission of one (1) minute between each round; providing for kind and weight of gloves to be used; limiting sale of tickets; providing for inspection of such exhibitions; providing a general penalty; declaring a rule of construction; repealing all laws or parts of laws in conflict herewith, and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. The promoting, conducting or maintaining of fistic combat or wrestling matches, boxing or sparring contests

or exhibitions for money remuneration, purses or prize equivalent to be received by the participants or contestants, or where an admission fee thereto or therefor is charged or received, shall be lawful in Texas, except on Sunday, subject to such supervision by the Commissioner of Labor Statistics as such Commissioner possesses over theatres and employees thereof other than performers and under the further provisions hereof; provided, however, that any such contests or exhibitions between students of such institutions which are conducted by any school, college or university, which does not have for its primary or principal purpose the teaching of fistic combat, boxing or sparring; or troop, battery, or company of the Texas National Guard; within any building or upon any ground owned or occupied by such institution, shall not be subject to the fee or tax provisions of this Act, even though an admission fee is charged, unless the contestants shall receive money remuneration or purse or prize equivalent for their performance or services therein.

Sole jurisdiction and authority is hereby vested in the Commissioner of Labor to enforce the provisions of this Act regulating the promoting, conducting or maintaining of fistic combats, wrestling matches, boxing or sparring contests or exhibitions for money remuneration, purses or prize equivalent to be received by the participants or contestants, or where an admission fee thereto or therefor is charged or received, and he is hereby given specific authority to promulgate such rules and regulations as shall become necessary in carrying out the purposes of this Act, and shall have the power of refusal of license or permits to boxers, wrestlers, managers or promoters if after investigation applicant or applicants are found to be of questionable character or not entitled to same under the provisions of this Act. The definition of the words, boxer, wrestler, manager, promoter together with the phrases "fistic combat," "wrestling match," "boxing contest" as used in this Act shall be accepted as defined by the National Boxing Association and the National Wrestling Association, and the rules governing ring regulations of boxing and wrestling contests or sparring contests or exhibitions, their seconds and referees shall be in accordance with those set out by the National Boxing and Wrestling Association.

If any person, firm, or corporation be dissatisfied with any order, ruling, or decision of said Commissioner, such aggrieved party may, within thirty (30) days from the entry of such order, ruling, or decision, appeal therefrom to the District Court of Travis County, and such Court may hear and determine such appeal, in term time or vacation, by trial de novo. If the aggrieved party shall prevail by final judgment, a certified copy thereof shall be presented to the Commissioner who shall comply with the terms thereof upon the payment of all fees incurred under the terms of this Act.

SEC. 2. The Commissioner of the Bureau of Labor Statistics

shall deposit with the State Treasurer all monies received by him from license and all other fees under the provisions of this Act, to be held in a separate fund, known as the "Boxing and Wrestling Enforcement Fund," and to be used to the amount herein authorized, for expenses incurred in supervising, inspecting and regulating all ring exhibitions, including fistic combats or wrestling matches, boxing or sparring contests, or exhibitions for money remuneration, purses or prizes, printing blank licensing forms to be furnished applicants by the Commissioner of Labor Statistics, and the sum of Six Thousand Five Hundred Dollars (\$6,500.00) or so much thereof as may be necessary, and the same is hereby appropriated for said purposes; and all such expenditures shall be verified by the person to whom such payments are made and upon the approval of such expenditures by the Commissioner of Labor Statistics, it shall be the duty of the Comptroller of Public Accounts to draw his warrant on the State Treasurer for the amount of such expenditures in favor of the person claiming the same, to be paid out of the "Boxing and Wrestling Enforcement Fund." The unexpended balance remaining in said fund at the end of the fiscal year shall be transferred to the General Fund. The Commissioner may appoint, and at pleasure remove, a Secretary to the Commissioner, the duties of which Secretary shall be to keep, or assist the Commissioner, in keeping, a full and true record of all the proceedings of the Commissioner, to keep, or assist the Commissioner in keeping the books and records in the general office of the Commissioner, and to perform such other duties as the Commissioner may prescribe, the salary of which Secretary shall be Fifteen Hundred Dollars (\$1500.00) per year, to be paid out of the above Six Thousand Five Hundred Dollars (\$6,500.00) herein appropriated.

SEC. 3. Each individual, firm, club, copartnership, association, company or corporation which conducts any fistic combat, boxing, sparring or wrestling match, contest or exhibition is a "promoter" within the terms of this Act; provided, that no individual, firm, club, copartnership, association, company or corporation, nor any member, shareholder, stockholder, officer, agent or representative of any firm, copartnership, association, company or corporation shall in any manner, either directly or indirectly, act as a promoter as herein defined before or prior to such person, member, shareholder, stockholder, officer, agent or representative becoming and being a bona fide inhabitant and citizen of the State of Texas, and each such officer, agent or representative of any such firm, club, copartnership, association, company or corporation shall likewise be a bona fide inhabitant and citizen of the State of Texas, and any person who shall aid or abet any person in endeavoring to act as or become such promoter, and any person so acting without being so qualified shall be deemed guilty of felony swindling and shall be punished accordingly, and the charter or any other business permit of any organization whose officer or officers, agents or

representatives shall be so convicted shall thereby be forfeited and their right to conduct such promotion or contests terminated.

SEC. 4. Before any individual, firm, club, copartnership, association, company or corporation may act as a promoter as herein defined, such promoter shall file or cause to be filed with the Commissioner of Labor Statistics at Austin, Texas, on such form as may be furnished by him, or otherwise by such promoter, a verified declaration or registration, in duplicate form, setting forth the true name, age, present actual residence and length of time thereof, place where promoter will operate, and such other information as may be required by such printed forms when furnished, and the registration filed with the Commissioner of Labor shall be accompanied with a registration fee, for which a permit may be issued by said Commissioner of Labor, such remittance to be in such form as by law provided for other remittances to such officer, and such registration fee shall be Fifty Dollars (\$50.00) for operating or promoting in a city not exceeding twenty-five thousand (\$25,000); One Hundred Dollars (\$100.00) in a city not exceeding seventy-five thousand (75,000); and Two Hundred Dollars (\$200.00) in a city of seventy-five thousand (75,000) or more inhabitants, and any person or group of persons acting as such promoter without so registering and remitting such registration fee, and having in their possession a duly authorized permit, shall be deemed guilty of felony swindling and shall be punished accordingly.

SEC. 5. Before any individual, firm, club, copartnership, association, company or corporation may conduct, hold or give any fistic combat match, boxing, sparring or wrestling contest or exhibition, such promoter shall execute and file with the Commissioner of Labor a good and sufficient surety bond in the sum of Two Thousand Five Hundred Dollars (\$2,500.00), conditioned for the payment of the tax hereby imposed, said bond to be in form and kind required of an administrator of an estate in Texas, and the Attorney General in a court of competent jurisdiction in Travis County, Texas, or any other court having jurisdiction, may institute suit upon such bond to recover any delinquent tax and the cost incurred in ascertaining the amount and recovery of such tax; provided, if such promoter conducts such contests or exhibitions as a continuing enterprise or promotion, such bond shall be annual in effect and continue in force until the last day of the calendar year in which same is filed and approved, unless default be made by the principal thereof or the sureties thereon become insufficient in the judgment of the Commissioner of Labor.

SEC. 6. Each individual, firm, club, copartnership, association, company or corporation which conducts any fistic combat, boxing, sparring or wrestling match, contest or exhibition wherein the contestants or participants receive a money remuneration, purse or prize equivalent for their performance

or services in same, and where an admission fee is charged or received, shall furnish to the Commissioner of Labor Statistics at Austin, Texas, within forty-eight (48) hours after the termination of such match, contest or exhibition, a duly verified written report thereof showing the number of tickets sold, the various prices received therefor and the amount of gross receipts for the total number of tickets sold therefor, and at the same time shall attach to the Commissioner of Labor's report legal tender or make proper form of money order or exchange payable to the State Treasurer in the amount of tax for three per centum (3%) of the total gross receipts from the sale of tickets of admission to such contest, which tax shall be placed in the General Fund by the State Treasurer; provided, that any service charge for printing and handling passes issued for any such match, contest or exhibition shall not be included as gross receipts, and no other fee or tax, either general or local, than as herein provided, shall be assessed against or levied upon any such match, contest or exhibition, contestant or manager, or promoter thereof.

SEC. 7. Whenever any such individual, firm, club, copartnership, association, company or corporation shall fail to make a report of any contest in the manner and within the time prescribed by this Act, and to pay or remit the gross receipts tax due thereunder pursuant to the provisions of this Act, and for a period of twenty (20) days after notice thereof to such delinquent persons, firm, club, copartnership, association, company or corporation by the State Commissioner of Labor, such delinquent individual, firm, club, copartnership, association, company or corporation and/or the officers thereof shall be deemed guilty of the theft of such tax and punished accordingly; provided further, that whenever any such report is unsatisfactory to the State Commissioner of Labor he may, by Court of inquiry, examine or cause to be examined the books and records of such individual, firm, club, copartnership, association, company or corporation, and may subpoena or cause to be subpoenaed and examine or cause to be examined, under oath, such individual, copartners, or the officers of such firm, club, association, company or corporation, and other persons as witnesses for the purpose of determining the total amount of the gross receipts for any contest or contests and the amount of the tax due pursuant to the provisions of this Act, which tax he may, upon, and as the result of such examination, fix and determine, and in case of the default in the payment of any tax so ascertained to be due, together with the expenses incurred in making such examination, if a greater sum than reported and paid is so determined to be due, for a period of twenty (20) days after notice by the Commissioner of Labor to such delinquent individual, firm, club, copartnership, association, company or corporation, such individual, copartners, or the officers of such firm, club, association, company or corpora-

tion shall be deemed guilty of the theft of such tax and punished accordingly.

SEC. 8. Before any person may perform or act as a boxer, wrestler or manager of such boxer or wrestler, where such boxer, wrestler or manager performs or renders service for money remuneration, purses or prize equivalent, such person shall file with the Commissioner of Labor Statistics at Austin, Texas, on such form as may be furnished by him, or otherwise by such boxer, wrestler or manager, a verified declaration or registration, in duplicate form, setting forth the true name, age, present actual residence and length of time thereof, place where and party with whom filed if other than with the Commissioner of Labor Statistics at Austin, Texas, as is herein provided, and such other information as may be required by such printed forms when furnished, and the registration filed with the Commissioner of Labor which is to be furnished the Commissioner of Labor shall be accompanied with a registration fee, such remittance to be in such form as by law provided for other remittances to such officer, and such registration fee shall be Five Dollars (\$5.00) for each boxer or wrestler and Twenty-five Dollars (\$25.00) for such manager of a boxer or wrestler, and any person acting or performing without so registering and remitting such registration fee shall be deemed guilty of a misdemeanor swindling and shall be punished accordingly.

SEC. 9. The registration fees herein provided shall be effective for one year after the date of the receipts of same by the Commissioner of Labor Statistics, and a duplicate original of the verified declaration shall be evidence of the payment of same until due receipt is issued therefor by the Commissioner of Labor Statistics; provided that any duly registered promoter may accept the registration declaration and fee for such boxer, wrestler or manager of such boxer or wrestler and issue his receipt therefor which shall be sufficient until such time as the Commissioner of Labor Statistics may issue his receipt, such promoter to be liable under the bond herein provided for the remittance of all registration fees so collected, and upon failure to remit the same to the Commissioner of Labor Statistics within ten (10) days after the receipt thereof shall cause him to be deemed guilty of theft thereof and punished accordingly.

SEC. 10. All the buildings or structures used for the purpose of conducting such fistic combat matches, boxing, sparring or wrestling contests or exhibitions shall be ventilated and provided with fire exits and fire escapes in such manner as by law provided for buildings where public gatherings are held and shall conform to all laws, ordinances and regulations pertaining to such buildings in the city, town or village where situated; provided, nothing herein contained is to be construed to prevent the holding of fistic combat matches, boxing, sparring or wrestling contests or exhibitions in the open air or tents.

SEC. 11. No individual, firm, club, copartnership, association, company or corporation shall:

(a) Hold or conduct any fistic combat match, boxing, sparring or wrestling contest or exhibition on Sunday; or,

(b) Knowingly permit any person under the age of eighteen (18) years to participate in any professional fistic combat match, boxing, sparring or wrestling contest or exhibition; or,

(c) Knowingly permit any person under the age of twenty-one (21) years to participate in any professional championship fistic combat match, boxing, sparring or wrestling contest or exhibition; or,

(d) Permit any gambling or betting or wagering of any character on the result of, or any contingency in connection with any fistic combat match, boxing, sparring or wrestling contest or exhibition, either before or during any such contests; or,

(e) Knowingly conduct or give or participate in or permit any sham or fake fistic combat match, boxing, sparring or wrestling contest or exhibition except it be as a burlesque; or,

(f) Knowingly permit any fistic combat match, boxing, sparring or wrestling contest or exhibition between any person of the Caucasian or "White" race and one of the African or "Negro" race; or,

(g) Permit any contestant for or participant in any fistic combat match, boxing, sparring or wrestling contests or exhibition to enter the same unless such contestant first shall have been examined, within two (2) hours prior to entering the ring, by a duly licensed and practicing physician who is a bona fide inhabitant and citizen of the State of Texas, nor then, if such physician finds the facts to be that such contestant is physically unfit to engage in such contest, and such physician shall so certify in writing if he finds the fact so to be, and the promoter of such contest shall deliver such report of examination to the Commissioner of Labor Statistics with the gross receipts tax report, and a duly licensed and practicing physician who is a bona fide inhabitant of the State of Texas shall remain in attendance during the entire time of such match, contest or exhibition; provided, in the event of an emergency in the nature of one or more of the contestants failing, refusing or otherwise being unable to perform as scheduled or agreed, nothing herein shall be construed to prevent the substitution of another contestant or contestants in place of those failing or refusing or being unable to perform as scheduled and any physical examination of a contestant required by this Act may thus be waived by such contestant upon the latter stating in writing that he is physically fit; or,

(h) Permit any fistic combat match, boxing or sparring contest or exhibition for more than ten (10) rounds duration, except in a championship match which shall not exceed fifteen (15) rounds; or,

(i) Permit one round of such match, contest or exhibition to extend for a longer period than three (3) minutes; or,

(j) Permit less than one minute intermission between each round; or,

(k) Permit any fistic combat match, boxing or sparring contest or exhibition without the use of padded gloves of standard make, weighing at least six (6) ounces each, or permit such gloves worn by each of the opposing contestants to be of other than equal weight; or,

(l) Knowingly sell or cause to be sold or issued for any fistic combat match, boxing, sparring or wrestling contest or exhibition more tickets or invitations or passes purporting to admit anyone to such match, contest or exhibition, or otherwise to admit to the same more persons than are admissible according to the authorized capacity of the building or the part thereof actually used for such purpose.

SEC. 12. The Commissioner of Labor Statistics or any deputy Commissioner of Labor Statistics may be present at and inspect or assist in the counting of the gross receipts and in the preparing of the report thereon as herein provided, and the delivery of an original copy thereof or any physician's examination report to him shall be the equivalent of delivering or mailing the same to the General Office of the Commissioner of Labor Statistics by or from the individual, firm, club, copartnership, association, company or corporation conducting such fistic combat match, boxing, sparring or wrestling contest or exhibition, and may in writing thereon approve such report if such statement is believed by him to be correct, otherwise he shall not sign same except to endorse his refusal thereon.

SEC. 13. Any person who in verifying or swearing to any statement or report required by this Act, makes or causes to be made therein any statement which is knowingly and wilfully false shall be deemed guilty of false swearing and punished accordingly.

SEC. 14. Any individual, copartner or officer of such firm, club, copartnership, association, company or corporation who violates any of the provisions of this Act, for which a penalty is not herein otherwise prescribed, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred and Fifty Dollars (\$250.00), and by the revocation of the license of such violator.

SEC. 15. In case any section or part of section of this Act shall be declared unconstitutional, it shall not affect the validity of the remainder.

SEC. 16. All laws or parts of laws in conflict with this Act are hereby in all things expressly repealed.

SEC. 17. The Commissioner of Labor shall have the full power and authority to make and issue such forms governing all reports he shall believe expedient and necessary in carrying out the purpose of this Act; provided further, that the terms



of this Act shall be a part of any contract between the individual, firm, club, copartnership, association, company or corporation promoter hereunder and the contestants or managers of the contestants whether such contract be oral, written or printed.

SEC. 17a. No contract or agreement for any exhibition or exhibitions under the term of this Act shall be transferred or assigned to any third person and shall only be valid and enforceable as between the original parties thereto.

SEC. 18. The fact that the proposed law will bring to the State an appreciable amount of revenue which is sorely needed at this time, and the fact of the crowded condition of the calendar create an emergency and an imperative public necessity demanding the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its final passage, and it is so enacted.

[NOTE.—H. B. No. 832 passed the House, May 23, 1933, by a vote of 73 yeas, 55 nays; House concurred in Senate amendments, May 30, 1933, by a vote of 72 yeas, 52 nays; passed the Senate, with amendments, May 29, 1933, by a vote of 20 yeas, 9 nays.]

Approved June 13, 1933.  
Effective 90 days after adjournment.

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PERMITTING INSURANCE COMPANIES TO INVEST IN  
NAVIGATION DISTRICT BONDS, AMENDING  
ARTICLE 5006 R. C. S.

S. B. No. 4.] CHAPTER 242.

An Act to amend Article 5006 of the Revised Civil Statutes of Texas of 1925 so as to include the bonds or other interest-bearing evidence of indebtedness of navigation districts, such navigation districts to contain a population of not less than three hundred and fifty-nine thousand (359,000) according to the last preceding Federal census, among those in which insurance companies are authorized to invest their funds; and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 5006 of the Revised Civil Statutes of Texas of 1925 be amended so as to read as follows:

"Article 5006. Investment of funds. No company organized under the provisions of this chapter shall invest its funds over and above its paid up capital stock in any other manner than as follows: